IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8424 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHOR INDUSTRIES LTD

Versus

STATE OF GUJARAT

Appearance:

MR MI PATEL for Petitioner

Mr. IM Pandya for Respondent No. 1, 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 17/10/2000

ORAL JUDGEMENT

Heard learned advocate Shri Patel for the petitioner and Shri Pandya for the respondent authorities. In this petition, rule has been issued by this court on 6th September, 1994 and ad interim relief

granted earlier was ordered to continue till final disposal of this petition. In this petition, the petitioner is challenging the order passed by the respondent authorities at annexure "A" and "B" dated 30th April, 1987 and 30th July, 1992 respectively.

Today, when the matter was taken up for final hearing, learned AGP Mr. Pandya has produced a copy of the letter dated 6th July, 2000 issued by the competent authority and the additional collector, Baroda wherein it is mentioned that the order under section 8(4) of the Act has been passed on 30.4.1987 and notification under sec. 10 (1) of the Act has been issued on 10.9.1987. It is clarified in the said letter that no further proceedings beyond the notification under sec. 10 (1) has been initiated by the competent authority. It has also been clarified that the possession of the excess vacant land in question has not been taken over by the State Government and it has been prayed therein to proceed further in the matter in accordance with the provisions of the ULC Repeal Act, 1999.

The Urban Land (Ceiling and Regulation)Act,1976 has been repealed by the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act,1976 in respect of the land in question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. Rule is discharged. Interim relief granted earlier shall stand vacated. There shall be no order as to costs.

17.10.2000 (H.K. Rathod,J.)

Vyas